

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 2:19-cr-00013</b>
	)	<b>Magistrate Judge Newbern</b>
<b>GEORGIANNA A.M. GIAMPIETRO</b>	)	<b>SEALED</b>

**DEFENDANT’S MOTION TO STRIKE GOVERNMENT’S SUPPLEMENTAL  
MEMORANDUM IN SUPPORT OF PRE-TRIAL DETENTION**

COMES NOW the Defendant, **Georgianna A.M. Giampietro**, by and through her undersigned counsel, and hereby respectfully requests that the Court strike the government’s post-evidentiary hearing *Supplemental Memorandum in Support of Pre-Trial Detention*, filed 8/22/2019.

Section 3142(f) expressly authorizes reopening a detention hearing when material information “that was not known to the movant at the time of the hearing” comes to light. The information contained in the government’s supplemental proffer of information certainly does not meet this standard. Courts have interpreted this provision strictly, holding that hearings should not be reopened if the evidence was available at the time of the hearing. *See United States v. Dillon*, 938 F.2d 1412, 1415 (1<sup>st</sup> Cir. 1991) (holding district court’s refusal to reopen detention hearing not in error where information in affidavits and letters appellant sought to present was available to him at time of hearing) (relying on *United States v. Hare*, 873 F.2d 796, 799 (5<sup>th</sup> Cir. 1989) (affirming refusal to reopen hearing because “testimony of Hare’s family and friends is not new evidence”)).

Respectfully submitted,

TUNE, ENTREKIN & WHITE, P.C.  
UBS Tower, Suite 1700  
315 Deaderick Street  
Nashville, TN 37238  
(615) 244-2770

S:/ Peter J. Strianse  
PETER J. STRIANSE  
Attorney for Defendant Giampietro

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent via the Court's electronic filing system, if registered, or, if unregistered in the Court's system, it has been sent via facsimile and deposited in the United States Mail, postage prepaid, to:

Ben Schrader  
Philip H. Wehby  
Assistant United States Attorneys  
110 Ninth Avenue South  
Suite A961  
Nashville, TN 37203-3870

This 23rd day of August, 2019.

S:/ Peter J. Strianse  
PETER J. STRIANSE